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Honorable John E. Owens, Jr.  
Mayor, City of Greensboro  
P.O. Drawer 77  
Greensboro, AL 36744

Emergency Management Communications -  
Districts - Municipalities - Boards of  
Directors - Hale County

If the E-911 Board wishes to charge the municipality additional funds for dispatching services, the Board must enter into a mutually agreed-upon contract with the municipality in order to do so. The amount of the additional funds to be charged must also be negotiated and agreed upon in a contract.

If the municipality refuses to contribute additional funds, the E-911 Board must provide some level of emergency service.

Dear Mayor Owens:

This opinion of the Attorney General is issued in response to your request on behalf of the City of Greensboro.

QUESTION ONE

May an E-911 Board require a municipality within its jurisdiction to contribute funding for dispatchers in addition to the funds it receives from phone bills, and if the E-911 Board does require additional funds from the municipality, how is such sum determined?

### FACTS AND ANALYSIS

Your request indicates the City of Greensboro has received notice that E-911 will no longer provide service to the residents of the City unless the City pays the E-911 Board \$18,009.42 and thereafter enters into a contractual agreement for each year.

Emergency telephone service is governed by section 11-98-1 through section 11-98-11 of the Code of Alabama. Under these provisions of the Code, the only way an E-911 Board can charge a municipality additional funds for dispatching services is by entering into a contract with the municipality. According to section 11-98-4, E-911 boards have the authority to "enter into contracts or agreements with public or private safety agencies for dispatch services when such terms, conditions, and charges are mutually agreed upon, unless otherwise provided by local law." ALA. CODE § 11-98-4 (Supp. 2000). Therefore, if the E-911 Board wishes to charge the municipality additional funds for dispatching services, the Board must enter into a mutually agreed-upon contract with the municipality in order to do so. The amount of the additional funds to be charged must also be negotiated and agreed upon in a contract.

### CONCLUSION

If the E-911 Board wishes to charge the municipality additional funds for dispatching services, the Board must enter into a mutually agreed-upon contract with the municipality in order to do so. The amount of the additional funds to be charged must also be negotiated and agreed upon in a contract.

### QUESTION TWO

If the municipality refuses to contribute funds, what service is the E-911 Board required to provide, and if there are no services provided, may residents of the municipality stop paying the additional cost on their phone bill?

### FACTS AND ANALYSIS

Section 11-98-1 of the Code of Alabama defines E-911 as "[e]nhanced universal emergency number service or enhanced 911 service which is a telephone exchange communications service whereby a public safety answering point (PSAP) designated by the customer may receive telephone calls dialed to the telephone number 911." ALA. CODE §11-98-1 (Supp. 2000). The section

goes on to state that "E911 service includes lines, facilities, and equipment necessary for answering, transferring, and dispatching public emergency telephone calls originated by persons within the servicing area who dial 911." *Id.*

While current law does not enumerate specific services E-911 boards must provide, the law also does not state that E-911 boards may stop providing services for which residents pay through charges on their phone bills. If residents of a municipality vote for the creation of an E-911 board and pay the service fees, then the board must provide emergency services. Section 11-98-11 of the Code of Alabama provides four acceptable methods of responses to emergency calls. *See* ALA. CODE § 11-98-11 (Supp. 2000). This section states that "[t]he board of commissioners of the district shall select the method which it determines to be the most feasible for the county or municipality." *Id.* If the E-911 Board cannot afford to provide the municipality with direct dispatch service and the municipality will not provide additional funds, the Board can choose a less expensive method such as the relay method. Because the E-911 Board must provide some kind of emergency service, your question regarding whether the residents may discontinue paying the additional charge on their phone bill is moot.

#### CONCLUSION

If the municipality refuses to contribute additional funds, the E-911 Board must provide some level of emergency service.

I hope this opinion answers your questions. If this Office can be of further assistance, please contact Brenda F. Smith of my staff.

Sincerely,

BILL PRYOR  
Attorney General  
By:



CAROL JEAN SMITH  
Chief, Opinions Division